UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,754	03/16/2000	Brett A. Hurt	COREMET-001	1157

34399 7590 07/14/2004	**EXAMINER**
GARLICK HARRISON & MARKISON LLP	DURAN, ARTHUR D
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ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/526,754	HURT ET AL.
	Examiner	Art Unit	
	Arthur Duran	3622	*MW*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 May 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-36</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-36 have been examined.

Response to Amendment

2.   The Amendment filed on 5/28/04 is sufficient to overcome the Angles, Gerace, and

Dedrick reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles

(5,933,811) in view of Gerace (5,848,396) and in further view of Dedrick (5,724,521).

Claims 1, 10, 17, 21, 26: Angles discloses a system, method, server, medium for

providing personalized content to an e-commerce customer comprising:

a content management server that receives a query from a customer computer via a data network,

the query including the identity of a client and the identity of the e-commerce customer (col 3,

lines 45-54; col 3, lines 54-60; col 2, lines 54-58);

the content management server identifying personalized content to be displayed to the e-

commerce customer on the customer computer, wherein the personalized content is identified

based upon the identity of the client and the identity of the e-commerce customer (col 15, lines 20-31); and

the content management server returning a response to the customer computer via the data network that identifies the personalized content (col 15, line 65-col 16, line 7).

Angles further discloses a processor, memory, user interface, network interface (col 2, lines 45-59; col 9, line 35- col 10, line 42).

Angles further discloses a downloadable web page stored on a client web server comprising an image to be displayed on a customer computer (col 1, lines 33-44).

Angles further discloses retrieving an identity of the e-commerce customer if saved on the customer computer, creating an identity of the e-commerce customer if the identity of the e-commerce customer is not saved on the computer (col 10, line 60-col 11-line 50; col 14, lines 26-34; col 6, lines 58-66).

Angles further discloses that information saved on a user computer has a limited amount of time for use (col 11, lines 17-23).

Angles further discloses tracking consumer activity and responses (col 2, lines 45-50) and sending content to a user based on the user's profile (col 3, lines 5-17) and that the sum of customer's actions can be tracked (col 16, lines 39-45).

Angles does not explicitly disclose that the consumer's can be tracked over a specific time period or the utilization of a session ID to track specific user sessions.

However, Gerace discloses tracking and profiling a user in order to provide targeted content (col 2, lines 1-23). Gerace further discloses the use of a session ID to track a user over specific time periods (col 6, lines 40-45; col 6, lines 60-65; col 6, line 45-col 7, line 23).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to add Gerace's utilization of session ID's to Angles providing of

customized content to a user. One would have been motivated to do this because identifying the

session or time period that user actions are performed in provides more accurate profiling and

targeting of the user.

Angles further discloses the utilization of cookies on the user's computer to uniquely

identify a consumer (col 17, lines 25-38; col 11, lines 1-5).

Angles does not explicitly disclose that the identity of the client is determined as apart

from the identity of the consumer.

However, Gerace discloses that the identity of each user client as well as the user is

determined and that the identity of the client and the identity of the user are utilized in targeting

content (col 6, lines 13-21; Fig. 3C; col 6, lines 52-57; col 13, line 62-col 14, line 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to add Gerace's identifying the consumer and the client to Angle's

identifying the user via information on the user's computer. One would have been motivated to

do this in order to allow Angles to send appropriate content based upon the capabilities or

limitations of the client computer.

Gerace further discloses a multitude of server and server clients (Fig. 1).

Angles further discloses a host of servers and a client-server architecture (col 5, line 61-

col 6, line 15) and that a Web browser can act as a client (col 5, line 65-col 6, line 3).

Angles nor Gerace does not explicitly disclose that the specific identity of the client

server servicing a customer is tracked.

However, Dedrick discloses that the client server serving a user is identified and tracked (Fig. 1; col 2, lines 54-col 3, line 28; col 14, line 52-col 15, line 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Dedrick's identifying the consumer and the client serving the consumer to Angle's identifying the user via information on the user's computer. One would have been motivated to do this in order to allow Angles to send appropriate content based upon the client that serves a consumer.

However, Angles further discloses a consumer computer with specialized code, that the consumer id is stored on the consumer computer, that the advertisement data can be stored on the consumer computer or with the content provider (col 10, line 19-col 12, line 11).

Angles does not explicitly disclose a session ID.

However, Gerace discloses a session ID (col 6, lines 40-45; col 6, lines 60-65; col 6, line 45-col 7, line 23) and that the screen view and viewing times of each session can be tracked (col 7, lines 13-23).

Gerace further discloses locally stored information identifying a user (col 13, lines 35-38). Gerace does not explicitly disclose that the session ID is generated or stored on the user computer.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's session ID to Angles locally generated and locally stored user tracking information. One would have been motivated to do this in order to provide Angles with a further means of targeting a user by tracking user activities.

Additionally, Dedrick further discloses personalized content delivery code to be executed by the customer computer (Fig. 2col 6, lines 32-col 8, line 40; col 8, lines 1-5).

Dedrick further discloses that a session identifying information is generated on the customer computer by the personalized content delivery code and stored on the customer computer. The session information and session identifying information is received by the content management server and used in selecting content (col 20, lines 55-59; col 6, lines 64-68).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Dedrick's locally operated session information tracking to Gerace's session ID and session tracking and to add both of these features to Angles user tracking and targeting. One would have been motivated to do this in order to provide a method more secure for the user that still tracks and targets a user.

Claim 2, 11, 22, 27: Angles, Gerace, and Dedrick disclose the system, method, server, medium of claims 1, 10, 21, 26, and Angles further discloses that:

the query also includes a secondary identifier that relates to the client; and

the content management server also uses the secondary identifier to identify the personalized content (col 15, lines 20-31; col 15, line 65-col 16, line 7).

Claims 3, 12, 19, 23, 28: Angles, Gerace, and Dedrick disclose the system, method, server, medium of claims 1, 10, 17, 21, 26, and Angles further discloses that the identity of the personalized content corresponds to an image to be displayed to the e-commerce customer on the customer computer (col 10, lines 15-20; col 15, line 65-col 16, line 7; col 13, lines 40-46).

Claims 4, 13, 20, 24, 29: Angles, Gerace, and Dedrick disclose the system, method, server, medium of claims 1, 10, 17, 21, 26, and Angles further discloses that the identity of the

personalized content corresponds to an executable file to be executed by the customer computer (col 15, line 65-col 16, line 15; col 7, line 60-col 8, line 8; col 8, lines 15-20).

Claims 5, 14: Angles, Gerace, and Dedrick disclose the system and method of claims 1, 10, and Angles further discloses that the content management server identifies the personalized content via a table lookup operation in which the identity of the e-commerce customer serves as an index (col 15, line 65-col 16, line 15; col 16, lines 15-25).

Claims 6, 15, 25, 30: Angles, Gerace, and Dedrick disclose the system, method, server, medium of claims 1, 10, 21, 26, and Angles further discloses a data aggregation server that receives e-commerce customer information corresponding to the query from the content management server, the e-commerce customer information including the identity of the client, the identity of the e-commerce customer and the identity of the personalized content and storing the customer information (col 3, lines 45-54; col 3, lines 54-60; col 2, lines 54-58; col 15, lines 20-31; col 15, line 65-col 16, line 7).

Angles further discloses that the e-commerce customer information includes the identity of the e-customer (col 3, lines 54-60), an audit of the personalized content (col 15, line 65-col 16, line 7), and storing customer information (col 3, lines 7-17; col 3, lines 55-65).

Angles further discloses the utilization of cookies on the user's computer to uniquely identify a consumer (col 17, lines 25-38; col 11, lines 1-5).

Angles does not explicitly disclose that the identity of the client is determined as apart from the identity of the consumer.

However, Gerace discloses that the identity of each user client as well as the user is determined (col 6, lines 13-21; Fig. 3C; col 6, lines 52-57; col 13, line 62-col 14, line 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's identifying the consumer and the client to Angle's identifying the user via information on the user's computer. One would have been motivated to do this in order to allow Angles to send appropriate content based upon the capabilities or limitations of the client computer.

Gerace further discloses a multitude of server and server clients (Fig. 1).

Angles further discloses a host of servers and a client-server architecture (col 5, line 61-col 6, line 15) and that a Web browser can act as a client (col 5, line 65-col 6, line 3).

Angles nor Gerace does not explicitly disclose that the specific identity of the client server servicing a customer is tracked.

However, Dedrick discloses that the client server serving a user is identified and tracked (Fig. 1; col 2, lines 54-col 3, line 28; col 14, line 52-col 15, line 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Dedrick's identifying the consumer and the client serving the consumer to Angle's identifying the user via information on the user's computer. One would have been motivated to do this in order to allow Angles to send appropriate content based upon the client that serves a consumer.

Claim 7: Angles, Gerace, and Dedrick disclose the system of claim 6, and Angles further discloses a personalization/segmentation database coupled to the data aggregation server, the personalization/segmentation database storing e-commerce customer information for a plurality of e-commerce customers (col 15, lines 20-31; col 16, lines 25-45).

Angles further discloses storing customer information for a plurality of e-commerce customer of user groups (col 15, lines 31-43; col 16, lines 12-15; col 20, lines 53-63; col 4, lines 1-5).

Additionally, Gerace discloses storing customer information for a plurality of e-commerce customer of user groups (col 20, lines 10-20; col 12, lines 25-30; col 13, lines 1-13; col 19, lines 1-7; col 19, line 65-col 20, line 5).

Claim 8, 16, 31: Angles, Gerace, and Dedrick disclose the system, method, medium of claims 7, 15, 30, and Angles further discloses:

a content management interface server coupled to the personalization/segmentation database and to the content management server;

wherein the content management interface server supports the association of personalized content to segments of e-commerce customers;

wherein the content management interface server creates an association of personalized content with the segments of e-commerce customers;

wherein the content management interface downloads the association of personalized content with the segments of e-commerce customers to the content management server (col 3, lines 45-54; col 3, lines 54-60; col 2, lines 54-58; col 15, lines 20-31; col 15, line 65-col 16, line 7).

Angles further discloses storing customer information for a plurality of e-commerce customer of user groups, targeting segments of e-commerce customers, and tracking segments of e-commerce customers (col 15, lines 31-43; col 16, lines 12-15; col 20, lines 53-63; col 4, lines 1-5).

Additionally, Gerace discloses storing customer information for a plurality of e-commerce customer of user groups, targeting segments of e-commerce customers, and tracking segments of e-commerce customers (col 20, lines 10-20; col 12, lines 25-30; col 13, lines 1-13; col 19, lines 1-7; col 19, line 65-col 20, line 5).

Claim 9: Angles, Gerace, and Dedrick disclose the system of claim 1, and Angles further discloses:

the content management server comprises a plurality of separate server computers, each of which services a particular set of queries (col 13, lines 35-46); and

the system further comprises a load balancing server coupled to the plurality of separate server computers and to the data network, wherein the load balancing server routes queries to the plurality of separate server computers (col 8, lines 20-33; col 13, lines 46-54; col 6, lines 4-15).

Claim 18: Angles, Gerace, and Dedrick disclose a downloadable web page as in claim 17, and Angles further discloses receiving a response from the content management server including the address of personalized content (col 15, lines 43-40; col 15, lines 22-25), retrieving the personalized content (col 15, lines 28-31), and presenting the personalized content on the customer computer (col 16, lines 14-15; col 15, lines 28-31).

4.   Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles (5,933,811) in view of Gerace (5,848,396) and in view of Dedrick (5,724,521) and in further view of Courts (6,480,894).

Claim 32-36: Angles, Gerace, and Dedrick disclose the system, method, downloadable webpage, server, medium of claims 1, 10, 17, 21, 26.

Angles further discloses locally stored session identifying and tracking information

(cookie) that has an expiration parameter in the form of expiration date (col 11, lines 5-40).

Angles does not explicitly disclose that the session ID is deemed expired when it is no

longer relevant to current browsing activity of the customer computer.

However, Courts discloses that the session ID is deemed expired when it is no longer

relevant to current browsing activity of the customer computer (col 7, lines 10-21). Note that

Courts discloses examples that the session ID is not relevant based on time that the user has been

idle.

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to add Courts' relevant session ID to Angles tracking and profiling of

user session activities. One would have been motivated to do this in order to provide further

control over tracking user session that are relevant and in differentiating different user sessions.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-31 have been considered but are not found

persuasive. Applicant's arguments with respect to claims 32-36 have been considered but are

moot in view of the new ground(s) of rejection.

Examiner notes that while specific references were made to the prior art, it is actually

also the prior art in its entirety that is being referred to.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims

that are being rejected with the prior art.

Examiner notes that the test for obviousness is not whether the features of a secondary

reference may be bodily incorporated into the structure of the primary reference; nor is it that the

claimed invention must be expressly suggested in any one or all of the references. Rather, the

test is what the combined teachings of the references would have suggested to those of ordinary

skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Angles, Gerace, and Dedrick provide tracking, profiling, and targeting

features and configuration options that are obvious combinations to a user skilled in the art with

an objective of tracking, profiling, and targeting a user(s) utilizing a network.

In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

a. Wood (6,691,232) discloses a session ID that expires based upon different parameters.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/8/04
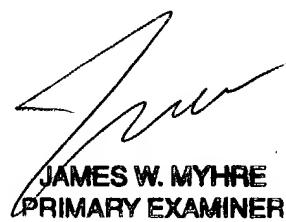
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